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Docket No.: 600,1300
Date: May 8, 2006

In re application of: **Rudolf PETERMANN**
Serial No.: 10/733,484
Filed: December 11, 2003
For: **DISPLAYING DATA IN A MACHINE WHICH PROCESSES PRINTING MATERIAL**

Sir:

Transmitted herewith is an **Appellant's Brief Under 37 C.F.R. §41.37 (16 pgs)** in the above-identified application.

- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136
 - ☒ Other: **Return Receipt Postcard**
- ☒ Check(s) in the amount of **\$500.00** is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
 - ☐ Petition fee for extension under 37 C.F.R. 1.136
 - ☒ Other: **Fee for Filing a Brief in Support of an Appeal under 37 C.F. R. §41.20(b)(2)**
 - ☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
 - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
 - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

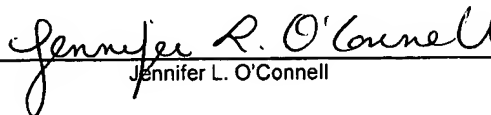


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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on May 8, 2006.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

Jennifer L. O'Connell



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: **Rudolf PETERMANN** Examiner: **Marissa L. FERGUSON**
Serial No.: **10/733,484** Confirmation No.: **7698**
Filing Date: **December 11, 2003** Art Unit: **2854**
Customer No.: **23280** Attorney Docket: **600.1300**
Title: **DISPLAYING DATA IN A MACHINE WHICH PROCESSES
PRINTING MATERIAL**

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May 8, 2006

APPELLANT'S BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellant submits this brief for consideration by the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated December 2, 2005 in this application. The statutory fee of \$500.00 for filing an appeal brief is paid concurrently herewith.

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I. REAL PARTY IN INTEREST

The real party in interest is Heidelberger Druckmaschinen AG, a corporation having a place of business in Heidelberg, Germany, and the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned to Heidelberger Druckmaschinen AG by an assignment originating from inventor Rudolf Petermann. The most recent assignment was recorded on April 30, 2004 at reel 015276, frame 0974.

II. RELATED APPEALS AND INTERFERENCES

Appellant, his legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1 to 15 are pending. Claims 1 to 15 have been finally rejected as per the Final Office Action dated December 2, 2005.

The rejection to claims 1 to 15 thus is appealed. A copy of appealed claims 1 to 15 is attached hereto as Appendix A.

IV. STATUS OF AMENDMENTS AFTER FINAL

No amendments to claims were filed after the final rejection. An advisory action was issued on March 30, 2006. A Notice of Appeal was filed on March 2, 2006 and received by the U.S.P.T.O. on March 6, 2006.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 recites a device for displaying data (i.e. Fig. 2, i.e. specification at paragraph [0023]) during process sequences in printing material processing machines (i.e. 2 in Fig. 1, i.e. specification at paragraph [0024]) comprising: a device (i.e. 12 in Fig. 2, i.e. specification at paragraph [0024]) graphically superimposing, on physically-existing printing material (i.e. 14 in Fig. 2, i.e. specification at paragraph [0023]) printed by the printing material processing machine (i.e. 2 in Fig. 1, i.e. specification at paragraph [0024]), data (i.e. 13 in Fig. 2, i.e. specification at paragraph [0024]) to be displayed.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 3 and 7 to 12 should be rejected under 35 U.S.C. §102(b) as being anticipated by Loeffler et al., U.S. Patent No. 6,748,860. Whether claims 2, 4 to 6 and 13 to 15 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Loeffler et al., U.S. Patent No. 6,748,860, in view of Isogawa et al., JP 10,307,331.

VII. ARGUMENTS

A. Rejections under 35 U.S.C. §102(b) over U.S. Patent No. 6,748,860

Claims 1, 3 and 7 to 12

Whether claims 1, 3 and 7 to 12 should be rejected under 35 U.S.C. §102(b) as being anticipated by Loeffler et al., U.S. Patent No. 6,748,860.

Loeffler et al. discloses a color screen with two image areas 10 and 11. The window 10 displays a printing image 12.1. The image in the window 10 is an actual printing image 12.1 produced electronically on the color screen 3 (See col. 4, lines 55 to 60).

Claim 1 of the present application recites a device for displaying data during process sequences in printing material processing machines comprising:

a device graphically superimposing, on physically-existing printing material printed by the printing material processing machine, data to be displayed.

Loeffler et al. does not show or disclose “a device graphically superimposing, on physically-existing printing material printed by the printing material processing machine, data to be displayed.” The actual printed image 12.1 in Loeffler et al. is produced by way of an image-recording device provided in the printing machine following the last printing unit and directed onto the sheets as the sheets pass by the image recording device, or the reverse.

The screen 3 of Loeffler produces solely an electronic image, and no superimposing occurs as the image is viewed directly. Loeffler specifically desires an electronic image on screen 3 and no device graphically superimposes data to be displayed on physically-existing printing material as claimed in the present application.

Withdrawal of the rejection is respectfully requested.

Claim 8: Argued Separately

Claim 8 recites the “device as recited in claim 1 further comprising a display device for graphically displaying the printing material and for graphically superimposing the data to be displayed on the graphical display of the printing material.”

It is not understood which separate device of Loeffler is supposed to be “the display device” claimed in claim 8. Claim 8 recites a separate device from the superimposing device of claim 1.

Loeffler clearly does not have both “a device graphically superimposing, on physically-existing printing material printed by the printing material processing machine, data to be displayed” and “a display device for graphically displaying the printing material and for graphically superimposing the data to be displayed on the graphical display of the printing material” as claimed and the Office Action and Advisory Action refused to specify elements of Loeffler which meet the limitations despite a specific request.

B. Rejections under 35 U.S.C. §103(a) over U.S. Patent No. 6,748,860, in view of JP 10,307,331

Claims 2, 4 to 6 and 13 to 15

Claims 2, 4 to 6 and 13 to 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Loeffler et al., U.S. Patent No. 6,748,860, in view of Isogawa et al., JP 10,307,331.

Claims 2, 4 to 6, and 13 to 15 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Loeffler et al. in view of Isogawa et al. (JP 10,307,731).

Isogawa also does not teach superimposing any data on a printed material as claimed in claim 1, but rather shows a projector with a screen. Thus even the combination (if somehow it were proper, which it is respectfully submitted it is not) would not show “a device graphically superimposing, on physically-existing printing material printed by the printing material processing machine, data to be displayed” as claimed in claim 1.

In addition, it is respectfully submitted that the motivation provided (“to project a clear and concise image on a screen”) is not taught by Isogawa or any other reference, and there is no need to project a clear and concise image on a screen in Loeffler *because there is no screen in Loeffler*.

There also is no desire in Loeffler for an image to be “concise” and the use of direct

screens such as LCDs typically provides in any event much higher resolution and clarity than projectors. If a clear image on a screen is desired, one of skill in the art would have stuck with the display of Loeffler. It is not understood why one of skill in the art would have replaced the screen of Loeffler with the Isogawa device.

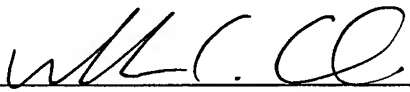
Withdrawal of the rejections to claims 2 and 4 to 6 is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,

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APPENDIX A

Pending Claims 1 to 15 of U.S. Patent Application Serial No. 10/733,484:

Claim 1 (previously presented): A device for displaying data during process sequences in printing material processing machines comprising:

a device graphically superimposing, on physically-existing printing material printed by the printing material processing machine, data to be displayed.

Claim 2 (original): The device as recited in claim 1 wherein the superimposing device is a projection device.

Claim 3 (original): The device as recited in claim 1 wherein the data is values for opening of ink zones in at least one inking unit of a printing press.

Claim 4 (original): The device as recited in claim 2 wherein the projection device is a data or video projector having an adjustable lens system.

Claim 5 (original): The device as recited in claim 4 wherein the projection device projects strip shaped light beams using the lens system.

Claim 6 (original): The device as recited in claim 4 wherein the projection device projects at least one light beam, a length of the light beam being variable using the lens system.

Claim 7 (original): The device as recited in claim 3 further comprising an operating device for adjusting the opening of the ink zones, the operating device transmitting a signal corresponding to the opening of at least one ink zone to the display device.

Claim 8 (previously presented): The device as recited in claim 1 further comprising a display device for graphically displaying the printing material and for graphically superimposing the data to be displayed on the graphical display of the printing material.

Claim 9 (original): The device as recited in claim 7 wherein the operating device has a touch screen for adjusting the data to be displayed.

Claim 10 (original): The device as recited in claim 8 wherein the display device has a touch screen for adjusting the data to be displayed.

Claim 11 (original): The device as recited in claim 3 wherein values for the opening of ink zones are displayable so as to be visually differentiable from the printing material.

Claim 12 (original): A printing press having the device for displaying data as recited in claim 1.

Claim 13 (previously presented): The device as recited in claim 1 wherein the superimposing device is located above the printing material.

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Claim 14 (previously presented): The device as recited in claim 13 wherein the superimposing device is a projector.

Claim 15 (previously presented): The device as recited in claim 13 further comprising a sheet support supporting the printing material.

APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related Proceedings Appendix under 37 C.F.R. §41.37 (c) (x):

As stated in the “RELATED APPEALS AND INTERFERENCES” section of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.